

United States District Court  
Southern District of New York

Jamar Davis

Petitioner,

v.

United States Of America  
Respondent.

Criminal No. 16 CH 339

Motion For Compassionate Release / RTS

Comes Now, Jamar Davis "herein Petitioner" to request this Honorable Court to provide the Petitioner relief under BOP program statement No. 50.50.50, Compassionate Release/Reduction In Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582 (c)(1)(A) and 4205 (g) which provides guidance on the types of circumstances that present extraordinary or compelling reasons. The petitioner first sought relief from the warden of the facility that he is housed at, and was denied (see att). And is now seeking relief from the sentencing court as a last option for Compassionate Release/Reduction In Sentence.

In Attorney General (AG) William Barr's April 3<sup>rd</sup>, 2020 memo for the Director of BOP, AG Barr stated that the BOP should immediately maximize appropriate transfers to home confinement for all appropriate inmates where covid-19 is materially affecting operations. FCI Beckley, where I am housed, has been on a modified since mid March of this year because of covid-19. Currently we are on a quarantine lock down that started on Nov. 10<sup>th</sup> and may or may not end on Nov. 24<sup>th</sup>. Shortly before, we were on a quarantine lock down that lasted from Oct. 14<sup>th</sup> to Oct. 28<sup>th</sup>. Due to the modified lockdown programming has been relatively non-existent. I am enrolled in GED, but have not been able to go to class. I am also on the waiting list for RDAP, Anger Management, and a

PAGE 1

handful of ACE classes/courses that I, or no one else here has been able to participate in due to covid-19. From the week of Nov. 10<sup>th</sup> - Nov. 17<sup>th</sup> we have only taken one shower, received one hot meal, and have not received fresh sheets and blankets. I argue that covid-19 is, "materially affecting operations" here at FCI Beckley. In August of this year, FCI Beckley had zero confirmed cases of covid-19, despite operating with meticulous caution and exacting exhaustive sanitary measures the insidious covid-19 virus has penetrated FCI Beckley's impervious fortress infecting numerous inmates and staff members. On Nov. 7<sup>th</sup> ~~that~~ the number of confirmed cases was 28, (22 recovered, 6 active) and I hear that number ~~is~~ has ballooned exponentially - reason we are on this quarantine lock down. Having chronic asthma, I am terribly afraid that if I were to contract covid-19, I will not be as fortunate as those who have convalesced. It is documented that, in addition ~~from~~ to suffering from chronic asthma, I also suffer from severe anxiety. During the October quarantine lock down a nurse coerced me into taking the flu vaccine by telling me I would DIE if I did not; if I were to contract covid-19 and the flu while having asthma. Her blunt statement terrified me, and since I have been taking my anxiety medication at a very high rate, just to help calm my nerves.

If I were to be released on Compassionate Release, I would be better able to practice social distancing and take on-line GED classes at my place of residency with my girlfriend Triniece Cohen who resides at: 93 Milford Ave apt. 4C, Newark, NJ 07108. I would apply for emergency medicaid, and or the Affordable Healthcare Act to ensure I would be able to obtain a private healthcare provider, and my mom Patricia Davis, who is financially secure would provide financial support for me until I found

legitimate employment. Having over 50% of my sentence complete and a home confinement date of Jan. 25<sup>th</sup>, ~~2021~~ <sup>(five)</sup> 2025, at the rate this pandemic is going it is highly unlikely that I will be able to participate in and complete programs that I am signed up for. Currently I am in phase 1 of the BRAVE program here at FCI Beckley, a 6 month cognitive behavior modification that I have been in for over 12 months due to being unable to program consistently. At home I would be able to safely engage in productive programs like: Anger Management, Victim's Impact, Thinking for a Change, etc. to continue my rehab and transition into a criminal-free lifestyle. It is for these reasons that the Petitioner now prays that this Honorable Court shows mercy and compassion in granting him Compassionate Release.

### Certificate of Service

I, Jamar Davis do hereby certify that a copy of this request for Compassionate Release / Reduction In Sentence was sent on this day, November 20<sup>th</sup>, 2020 via institutional mail through the federal correctional institution to the following party who may possess an interest in this matter:

\* J. Davis

Jamar Davis, prose  
P.O. Box 350  
Beaver, WV 25813

Sworn Affidavit

I, Jamar Davis do hereby declare that the following information provided above is true and correct pursuant to 28 U.S.C. § 1746 are made under the penalty of perjury.

\* J. Davis  
Jamar Davis, prose

Inmate Name: DAVIS, Jamar  
Register No.: 72470-054

223

This is in response to your Inmate Request to Staff Member, received on October 8, 2020, in which you request consideration for a reduction in sentence (RIS) based on concerns about COVID-19. Specifically, you are requesting consideration due to Extraordinary or Compelling Circumstances.

Title 18 of the United States Code, section 3582(c)(1)(A), allows a sentencing court, on motion of the Director of the BOP, to reduce a term of imprisonment for extraordinary or compelling reasons. BOP Program Statement No. 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582(c)(1)(A) and 4205(g), provides guidance on the types of circumstances that present extraordinary or compelling reasons, such as the inmate's terminal medical condition; debilitated medical condition; status as a "new law" elderly inmate, an elderly inmate with medical conditions, or an "other elderly inmate"; the death or incapacitation of the family member caregiver of the inmate's child; or the incapacitation of the inmate's spouse or registered partner. Your request has been evaluated consistent with this general guidance.

The BOP is taking extraordinary measures to contain the spread of COVID-19 and treat any affected inmates. We recognize that you, like all of us, have legitimate concerns and fears about the spread and effects of the virus. However, your concern about being potentially exposed to, or possibly contracting, COVID-19 does not currently warrant an early release from your sentence. Accordingly, your RIS request is denied at this time.

If you are not satisfied with this response to your request, you may commence an appeal of this decision via the administrative remedy process by submitting your concerns on the appropriate form (BP-9) within 20 days of the receipt of this response.

  
D. L. Young, Warden

10/15/2020  
Date

BP-A148.055

SEP 98

## INMATE REQUEST TO STAFF

U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) <i>Warden Yang</i>	DATE: <i>10/5/20</i>
FROM: <i>Jamar Davis</i>	REGISTER NO.: <i>72470-054</i>
WORK ASSIGNMENT: <i>N/A</i>	UNIT: <i>OAL</i>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.

*This is my formal request for compassionate release pursuant to title 18, USC (3587)(c)(1)(A) as amended by First Step Act see P.L. 115, 391, 13 statute 5194 at 603 (Dec 21, 2018) and the CARES Act see memorandums for Director of BOP from Attorney General William Barr (3/26/20) and (4/3/20). Specifically I request an expedited review as to sentence reduction, or home confinement based on the following facts, see attachment:*

(Do not write below this line)

DISPOSITION:

RECEIVED  
R/10/8/2020  
*[Signature]*

Signature Staff Member	Date
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Record Copy - File; Copy - Inmate  
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86  
and BP-S148.070 APR 94

FILE IN SECTION 6 UNLESS APPROPRIATE FOR PRIVACY FOLDER

SECTION 6



- 1) My chronic asthma (which is documented) has been acknowledged by the Center for Disease Control and Prevention (CDC) as a disease that makes me more susceptible to contracting covid-19, and vulnerable to adverse effects from it.
  - 2) If I were to contract covid-19, medical attention would be faster at home without having to undergo BOP procedures for inmate transportation to hospital. eg. If I were to have a severe asthma attack in the middle of the night, I'd have to hope my cellmate pressed the panic button in time, then hope that the co got to my cell in time, and finally hope that medical arrived in time to aid me, costly time that could be the difference in my living or dying. At home I could be transported immediately to a hospital via ambulance, girlfriend, family.
  - 3) ECI Beckley has had 20 verified positive cases of covid-19 (16 inmates and 4 staff members) despite taking preventative measures and acting with extreme caution.
  - 4) My security level and score under PATTERIV does not negate <sup>my</sup> ~~the~~ eligibility for compassionate release, see memorandums issued by AG William Barr to the Director of BOP on 3/26/20 and 4/3/20.
  - 5) I have not incurred a BOP violation within the last year.
  - 6) I have fifty percent of my sentence completed.
  - 7) I will be able to practice social distancing at home with my girlfriend Tiniece Cohen who resides at: 93 Milford Ave apt 4C  
Newark, NJ 07108  
and works as a manager at Trump Towers in Manhattan, NY.
  - 8) My mom, Patricia Davis is financially secure, and would provide financial support for me until I found legitimate employment.
- For the above reasons I request compassionate release, thank you

Please send copies of motion, request form, and warden's response back to me for my my personal records, for I was unable to make copies. Thank You

Jamar Davis 72470-051

FCI Beckley

PO Box 350

Beaver, WV 25813



Jamar Davis # 72476-054

FCI Beckley

Federal Correctional Institution

PO Box 350

Beaver, WV 25813

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United States District Court

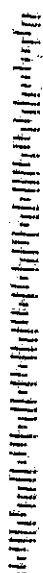
Southern District of New York

500 Pearl Street

New York, New York 10007

ATTORNEY

10007-133099



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